

JUDGE CASTEL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

INFORMATION

- v. - :

~~716~~ 716

NIURKA J. POLANCO, :

Defendant. :

- - - - - x

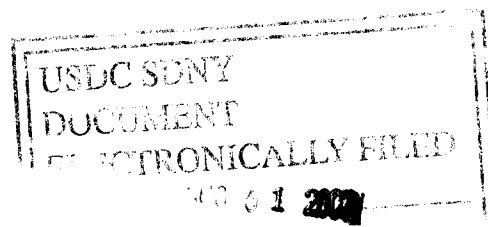
COUNT ONE

(Food Stamp Fraud)

The United States Attorney charges:

1. From at least in or about January 2003, up to and including in or about April 2007, in the Southern District of New York and elsewhere, NIURKA J. POLANCO, the defendant, unlawfully, intentionally and knowingly did use, transfer, acquire, alter, and possess coupons, authorization cards, and access devices of a value of \$5,000 and more in any manner contrary to this chapter and the regulations issued pursuant to this chapter, to wit, POLANCO exchanged customers' food stamp benefits for cash at West 1<sup>st</sup> Supermarket (formerly known as Polanca 144 Grocery), 144 West 1<sup>st</sup> Street, Mount Vernon, New York, in exchange for a share of the cash proceeds.

(Title 7, United States Code, Section 2024(b)(1);  
Title 7, United States Code Section 2016;  
Title 7, Code of Federal Regulations, Section 278.2.)



COUNT TWO

(Conversion of Public Money, Property, or Records)

The United States Attorney charges:

2. From at least in or about January 2003, up to and including in or about April 2007, in the Southern District of New York and elsewhere, NIURKA J. POLANCO, the defendant, unlawfully, intentionally and knowingly did embezzle, steal, purloin, and convert to her use and the use of another, and without authority, did sell, convey, and dispose of any record, voucher, money, and thing of value of the United States and of a department and agency thereof, to wit, the United States Department of Agriculture, to wit, POLANCO exchanged customers' food stamp benefits, the value of which exceeded \$5,000, at West 1<sup>st</sup> Supermarket (formerly known as Polanca 144 Grocery), 144 West 1<sup>st</sup> Street, Mount Vernon, New York, in exchange for a share of the cash proceeds.

(Title 18, United States Code, Sections 641)

FORFEITURE ALLEGATIONS

3. As a result of committing the food stamp offenses alleged in Count One of this Indictment, in violation of 7 U.S.C. § 2024(b)(1), NIURKA J. POLANCO, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, and all property traceable to such property, and

pursuant to 7 U.S.C. § 2024(h), all property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of the food stamp fraud violation, and all proceeds traceable to such violation.

4. As a result of committing the public conversion offenses alleged in Count Two of this Indictment, in violation of 18 U.S.C. § 641, NIURKA J. POLANCO, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, and all property traceable to such property.


Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 641 & 981; Title 21, United States Code, Section 853(p); Title 7, United States Code, Section 2024; and Title 28, United States Code, Section 2461.)

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

NIURKA J. POLANCO,

Defendant.

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INFORMATION

07 Cr.

(7 U.S.C. §§ 2024(b)(1) & 2016, 7 C.F.R §  
278.2., 18 U.S.C. § 2;  
18 U.S.C. §§ 641, 2)

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MICHAEL J. GARCIA  
United States Attorney.

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Foreperson.

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\* Filed Waiver of Indictment + Information.

8/1/07  
Deft. pres w/ Attorney Ms Cuculli, A.U.S.A. Ms. Frase  
Pres. Deft. arraigned + Plead Not Guilty.  
T.E. Between 8-1-07 and 8-22-07 on Consent.

Pitman  
U.S.M.J.